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*The conf. is adjourned,
from 6/16/23 to 8³⁰ a.m.
August 8, 2023, 10³⁰ a.m.
otherwise, so ordered.
6-6-23
John C. Hellerstein*

June 5, 2023

BY ECF

Judge Alvin K. Hellerstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**MidCap Business Credit, LLC v. MidCap Financial Trust, et al.,
Case No. 21-cv-07922**

Dear Judge Hellerstein:

We represent the Defendants in the above-captioned case. We write on behalf of all parties to respectfully request an adjournment of the case management conference currently scheduled for June 16, 2023, to enable the parties to amend and complete the pleadings and to join issue. The parties propose that the case management conference be rescheduled for July 28, 2023, or another date that is convenient for the Court; that the time for Defendants to file an answer be adjourned as set forth below; and that the following interim deadlines be set:

- **June 9** – Deadline for Defendants to provide Plaintiff documents sufficient to show companies or licensees related to Defendants and using the MidCap Financial names and marks (including entities that may be doing business under a name that does not incorporate the term Midcap and entities, if any, that are successors to Midcap Financial, LLC), including the place of incorporation and what they do.
- **June 23** – Deadline for Plaintiff to file an amended complaint, which will not include a claim under N.Y. GBL § 349.
- **July 14** – Deadline for Defendants to answer with respect to the amended complaint.
- **August 4** – Deadline for Plaintiff to answer or move with respect to any counterclaims.
- **July 28** – Deadline for the parties to provide disclosures required by F.R.C.P. 26(A)(1)(a).
- The parties agree that discovery will proceed, on a schedule to be negotiated, during the pendency of any motions to dismiss.

Judge Alvin K. Hellerstein

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June 5, 2023

This is the first request for adjournment of the case management conference, and the requested adjournment will not impact any other deadlines.

Respectfully submitted,

/s/

James J. Pastore, Jr.

cc: All Counsel of Record (by ECF only)